

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CRIM. NO. 12-00090-KD-B
)	
BRANDON JARROD NOBLES)	

**UNITED STATES' RESPONSE TO NOBLES'S MOTION PURSUANT TO
28 U.S.C. § 2255**

The United States, by and through Richard W. Moore, the United States Attorney for the Southern District of Alabama, submits this response to Brandon Jarrod Nobles's ("Nobles's") motion to vacate two of his sentences pursuant to 28 U.S.C. § 2255. He asserts that his two firearm convictions cannot stand because kidnapping is not a crime of violence in the light of *United States v. Davis*, 139 S. Ct. 219 (2019). This Court ordered the United States to respond, and this is the United States' response.

To be clear, Nobles pleaded guilty based on his role in a string of violent kidnappings in Mobile, Alabama. [Doc. No. 58] Indeed, Nobles admitted to shooting at least one victim. [*Id.*, pp. 27–28] The United States previously described the gruesome nature of these offenses in the case of Nobles's co-defendant, Zerrick Robinson ("Robinson"). *See* [Doc. No. 179] Nonetheless, the United States subsequently withdrew its legal arguments in the light of guidance from the Department

of Justice in this cases. [Doc. No. 183]

This office remains bound by that guidance in this case. Accordingly, while the United States maintains that Nobles's conduct implicates him in plainly violent conduct that injured others and terrorized the community, kidnapping is not categorically a crime of violence. Based on that guidance, this office is constrained such that it cannot contest Nobles's motion on its merits.

Respectfully submitted,

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